

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 05-CV-329-GKF-SAJ
	)	
TYSON FOODS, INC., et al.,	)	
	)	
Defendants.	)	

**GEORGE'S FARMS, INC.'S RESPONSES TO THE STATE OF OKLAHOMA'S  
APRIL 20, 2007 SET OF REQUESTS TO ADMIT AND REQUEST  
FOR PRODUCTION TO GEORGE'S FARMS, INC.**

Comes now the Defendant, George's Farms, Inc., (hereinafter referred to as "George's"), and for its Responses to Plaintiffs' April 20, 2007, Set of Requests to Admit and Request for Production, pursuant to Federal Rules of Civil Procedure 26, 33 and 34, states as follows, to-wit.

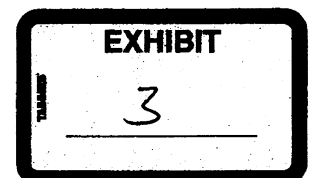
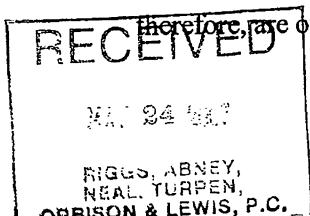
**GENERAL OBJECTIONS**

1. George's objects to and does not agree to, nor subject itself to, the arbitrary and extraordinary "definitions" ascribed by the plaintiffs to certain terms contained in their April 20, 2007 discovery requests. To the extent that the definitions appearing in the plaintiffs' April 20, 2007 discovery requests exceed the ordinary, every day and commonly understood meanings for and exceed the requirements of the Federal Rules of Civil Procedure, George's will ascribe the ordinary, every day and commonly understood meanings to such terms and will comply with the Federal Rules of Civil Procedure.

2. George's objects to the discovery requests to the extent that they seek to impose obligations in excess of those required by the Federal Rules of Civil Procedure.

3. George's objects to the discovery requests because they are unlimited in time and,

therefore, are overbroad, unduly burdensome and impossible to answer.



4. George's objects to the plaintiff's definition of "poultry waste" set forth on Page 1 of the discovery requests. Poultry litter is not "waste" as that term is commonly understood but is, instead, a valuable agricultural fertilizer. The plaintiff's use of the phrase "and/or any other waste associated with the confinement of poultry from a poultry feeding or growing operation" in the definition of "poultry waste" is open ended and could encompass an unknown number of things. The plaintiff's definition of "poultry waste" is vague, ambiguous, and misleading. As such, it is impossible for George's to understand the meaning of that term and to ascertain what it is being asked to admit or deny. Therefore any of the plaintiff's discovery requests that utilize that term are vague, ambiguous, misleading and not susceptible to a readily discernable meaning and would require George's to guess as to what it is admitting or denying, or to admit or deny a request that is subject to multiple interpretations.

5. George's objects to the plaintiff's definition of "your poultry growing operations" set forth on Page 1 of the discovery requests. Plaintiff's definition is incorrect and misleading in that it ignores the distinction between poultry farms owned and operated by a poultry integrator and farms owned and operated by independent contract growers. It is further misleading to the extent that it attempts to include individual contract growers' operations in the definition of "your poultry growing operations" for the purposes of these discovery requests. Requests that use the misleading definition would require George's to admit or deny requests about operations or things that do not belong to George's, which is a burden that exceeds the Federal Rules of Civil Procedure.

6. George's objects to the plaintiff's definition of "phosphorus" set forth on Page 1 of the discovery requests. George's objects to each discovery request that uses the term "phosphorus" because that term, as defined, is vague and ambiguous and lacks the degree of specificity required to enable George's to readily ascertain what it is being asked to admit or

deny. For the purposes of these responses, George's does not incorporate or use the plaintiff's arbitrary definition of phosphorus but instead will interpret the word "phosphorus" to mean elemental phosphorus, Atomic Number 15 on the Periodic Table of Elements.

7. George's objects to the plaintiff's definition of "pathogens" set forth on Page 2 of the discovery requests. Plaintiff's definition is overly broad, ambiguous, and misleading.

8. George's objects to the plaintiff's definition of "run-off" set forth on Page 2 of the discovery requests and to any requests that reference the term "run-off." As defined and used in the discovery requests the term "run-off" is not stated with the requisite degree of specificity to enable George's to determine what is being requested of it. Moreover, the plaintiff's definition includes the term "release." "Release" is a term of art used in CERCLA and the application of fertilizer has been specifically excluded from CERCLA's definition of a "release." As such, the plaintiff's definition is incorrect and misleading.

9. George's objects to the plaintiff's definition of "waters of the state" set forth on Page 2 of the discovery requests and to any requests that reference the term "waters of the state." As defined and used in the discovery requests the term "waters of the state" is overly broad, vague, and ambiguous in that it includes each and every waterbody in the state regardless of location or ownership.

10. George's objects to the plaintiff's use of the undefined term "hazardous substances" and to each discovery request that references that term. The term "hazardous substances" is overly broad, vague, and ambiguous and lacks the degree of specificity and particularity required to allow George's to ascertain what it is being asked to admit or deny. George's will not guess or hypothesize about the plaintiff's understanding of the term "hazardous substances."

11. George's also incorporates any additional objections contained in the responses and objections of other defendants to Plaintiffs' April 20, 2007 Requests to Admit and Requests for Production.

**RESPONSES TO REQUESTS TO ADMIT**

**Request to Admit No. 1:** Admit that poultry waste from one or more of your poultry growing operations has been spread on land located within the Illinois River Watershed.

**Response to Request to Admit No. 1:** Subject to and without waiving the General Objections, George's admits.

**Request to Admit No. 2:** Admit that poultry waste from one or more of your poultry growing operations that has been spread on land located within the Illinois River Watershed contains one or more "hazardous substances" within the meaning of CERCLA.

**Response to Request to Admit No. 2:** Subject to and without waiving the General Objections, George's lacks information sufficient to admit or deny the request despite reasonable inquiry of information known or readily obtainable by George's.

**Request to Admit No. 3:** Admit that poultry waste from one or more of your poultry growing operations that has been spread on land located within the Illinois River Watershed contains pathogens.

**Response to Request to Admit No. 3:** Subject to and without waiving the General Objections, George's lacks information sufficient to admit or deny the request despite reasonable inquiry of information known or readily obtainable by George's.

**Request to Admit No. 4:** Admit that poultry waste from one or more of your poultry growing operations that has been spread on land located within the Illinois River Watershed contains phosphorus.

**Response to Request to Admit No. 4:** Subject to and without waiving the General Objections, George's denies.

**Request to Admit No. 5:** Admit that poultry waste from one or more of your poultry growing operations that has been spread on land located within the Illinois River Watershed has run-off from the land upon which it has been applied.

**Response to Request to Admit No. 5:** Subject to and without waiving the General Objections, George's denies.

**Request to Admit No. 6:** Admit that poultry waste from one or more of your poultry growing operations that has been spread on land located within the Oklahoma portion of the Illinois River Watershed has run-off from the land upon which it has been applied.

**Response to Request to Admit No. 6:** Subject to and without waiving the General Objections, George's denies.

**Request to Admit No. 7:** Admit that one or more "hazardous substances" within the meaning of CERCLA contained in poultry waste from one or more of your poultry growing operations that has been spread on land located within the Illinois River Watershed has run-off from the land upon which it has been applied.

**Response to Request to Admit No. 7:** Subject to and without waiving the General Objections, George's lacks information sufficient to admit or deny the request despite reasonable inquiry of information known or readily obtainable by George's.

**Request to Admit No. 8:** Admit that pathogens contained in poultry waste from one or more of your poultry growing operations that has been spread on land located within the Illinois River Watershed has run-off from the land upon which it has been applied.

**Response to Request to Admit No. 8:** Subject to and without waiving the General Objections, George's lacks information sufficient to admit or deny the request despite reasonable inquiry of information known or readily obtainable by George's.

**Request to Admit No. 9:** Admit that phosphorus contained in poultry waste from one or more of your poultry growing operations that has been spread on land located within the Illinois River Watershed has run-off from the land upon which it has been applied.

**Response to Request to Admit No. 9:** Subject to and without waiving the General Objections, George's denies.

**Request to Admit No. 10:** Admit that poultry waste contributes a greater amount of phosphorus to the portion of the Illinois River located in Oklahoma than waste water treatment plants, cattle manure, manure from wildlife, septic systems, commercial fertilizers and stream bank erosion combined.

**Response to Request to Admit No. 10:** Subject to and without waiving the General Objections, George's denies.

**Request to Admit No. 11:** Admit that poultry waste contributes a greater amount of pathogens to the portion of the Illinois River located in Oklahoma than waste water treatment plants, cattle manure, manure from wildlife and septic systems combined.

**Response to Request to Admit No. 11:** Subject to and without waiving the General Objections, George's denies.

**Request to Admit No. 12:** Admit that poultry waste contributes a greater amount of phosphorus to Lake Tenkiller than waste water treatment plants, cattle manure, manure from wildlife, septic systems, commercial fertilizers and stream bank erosion combined.

**Response to Request to Admit No. 12:** Subject to and without waiving the General Objections, George's denies.

**Request to Admit No. 13:** Admit that one or more of your poultry growing operations located in the Oklahoma portion of the Illinois River Watershed is not in compliance with its animal waste management plan.

**Response to Request to Admit No. 13:** This request is objected to as overly broad, vague, and ambiguous in that there is no limiting time frame parameters. Subject to and without waiving this objection or the General Objections, George's lacks information sufficient to admit or deny the request despite reasonable inquiry of information known or readily obtainable by George's.

#### **RESPONSES TO REQUEST FOR PRODUCTION**

**Request for Production No. 1:** For each of the above Requests to Admit that you deny, please produce any and all documents in your possession, custody and control that support your denial (to the extent you have not already produced them to the State in this litigation).

**Response to Request for Production No. 1:** To the extent that George's denies the foregoing discovery requests for reasons other than lack of information, then the documents supporting such denial have been provided to the plaintiffs. Additional information supporting these denials will be provided in supplemental discovery responses.

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### CERTIFICATE OF SERVICE

I certify that on the 21<sup>st</sup> day of May, 2007, I electronically transmitted the attached document to the following ECF registrants:

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I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

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